

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

BOB O. PARRIS,)
)
)
Plaintiff,) Case No. CIV-05-795-C
)
vs.)
)
THOMAS K. VEST, F.B.I. AGENT, *et al.*,)
)
)
Defendants.)

ORDER

Before the Court are Plaintiff's Motion for Judge Cauthron to Recuse Herself and Plaintiff's Motion to Compel Answer. These matters are now at issue.

Plaintiff's sole basis for seeking the Court's recusal is an adverse ruling made some 13 years ago. It is well established that adverse rulings do not provide a basis for recusal. See Willner v. University of Kansas, 848 F.2d 1023, 1028 (10th Cir. 1988). Accordingly, that request will be denied.

Plaintiff also seeks an Order from the Court directing the U.S. Attorney to file an answer to the Complaint and permission to add an additional Defendant. Review of the Court's file in this matter reveals that Defendant Vest, the only Defendant named in Plaintiff's Complaint, was personally served on July 14, 2005; and the local U.S. Attorney and Attorney General were served via certified mail on July 27, 2005, and August 1, 2005, respectively. Therefore, it appears that service was obtained as required by Fed. R. Civ. P. 4(i). Pursuant to Fed. R. Civ. P. 12(a)(3), an answer or other responsive pleading was due within 60 days of service; however, no such pleading has been filed. Accordingly,

Defendant Vest will be required to file an answer or other responsive pleading within 20 days of the date of this Order. To the extent Plaintiff wishes to amend his Complaint, his request is governed by Fed. R. Civ. P. 15(a). Plaintiff should proceed accordingly.

As set forth more fully herein, Plaintiff's Motion for Judge Cauthron to Recuse Herself (Dkt. No. 10) is DENIED. Plaintiff's Motion to Compel Answer (Dkt. No. 9) is GRANTED in part. Defendant Vest shall file an answer or other responsive pleading within 20 days of the date of this Order. The Court Clerk is directed to forward copies of this Order to the local U.S. Attorney's Office and Defendant Vest at the addresses listed on the summons.

IT IS SO ORDERED this 21st day of October, 2005.



ROBIN J. CAUTHRON
United States District Judge